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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,724	06/18/2001	Bruno Richard	B-4215 618883-0	2443

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EXAMINER

GROSS, KENNETH A

ART UNIT	PAPER NUMBER
2122	

2122

DATE MAILED: 01/16/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	09/883,724	Applicant(s)	RICHARD ET AL.
Examiner	Kenneth A Gross	Art Unit	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on \_\_\_\_\_.
- 2a)  This action is FINAL.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-10 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a)  The translation of the foreign language provisional application has been received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other:

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 2, and 6 are objected to because of the following informalities: The numbers following the words “installing” (Page 13, lines 10 and 25), “starting” (Page 13, lines 16 and 31), and “console (Page 14, lines 29) are objected as it is not clear as to what the numbers are referring to. If the numbers refer to figures or items in figures, this needs to be specified clearly in the claims. Claim 2 recites “a NT service” on lines 28-29, which should be “an NT service”. In Claim 6, a space is needed between “claim” and “1” on line 17. Furthermore, in Claim 6, the term “said id and password being entered by the user” on line 22, should be “said id and password [being] entered by the user”. IAppropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 and Claim 2 recite the limitation "the description" in lines 12 and 13, and 26 and 27, respectively. There is insufficient antecedent basis for this limitation in the claim. Claim 2 recites the limitation “said PC Client” in lines 31 and 32. There is insufficient antecedent basis for this limitation in the claim. Claim 2 recites the limitation “Windows NT” on line 2, which

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should be expanded to the clearer "Windows NT Operating System". Claim 7, at line 1, recites "the NT service". There is insufficient antecedent basis for this limitation in the claim. Claim 7, at line 2, recites "said PC client". There is insufficient antecedent basis for this limitation in the claim. There is insufficient antecedent basis for this limitation in the claim. Claims 3 and 10 recite the limitation "the command line" in lines 3 and 29, respectively. There is insufficient antecedent basis for this limitation in the claim. Claim 5 recites the limitations "the NT domain" and "the computer clients" on line 13. There is insufficient antecedent basis for this limitation in the claim. Claim 10 recites the limitation "the execution" on line 30. There is insufficient antecedent basis for this limitation in the claim. Claims 4, 6, and 7 are rejected for being dependent on a rejected parent Claim.

In light of the numerous 35 U.S.C. 112, 2<sup>nd</sup> Paragraph issues in the claims, cooperation is hereby requested from the attorney of record to clear up the errors listed above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadowsky (U.S. Patent Number 5,790,796) in view of Bahr (U.S. Patent Number 6,029,246).

In regard to Claim 1, Sadowsky teaches installing an executable file for controlling a local setup procedure (Column 5, lines 42-54), said executable file being associated with the

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description contained within a description file present on a shared resource (Figure 3, and associated text), and starting said executable file which permits the automatic launching of a local setup procedure in accordance with the contents of said description file (Column 5, lines 55-62). Sadowsky does not teach that the local setup procedure is a low level service that is available in the operating system for local background tasks and routines. Bahr, however, does teach installing a process as an NT service, whereby the process performs updating in the local machine (Column 4, lines 36-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of installing an executable file for controlling a local setup procedure, said executable file being associated with the description contained within a description file present on a shared resource, and starting said executable file which permits the automatic launching of a local setup procedure in accordance with the contents of said description file, as taught by Sadowsky, where the local setup procedure is a low level service that is available in the operating system for local background tasks and routines, as taught by Bahr, since this allows the service to be executed without user intervention and without interfering with other tasks.

In regard to Claim 2, Sadowsky teaches installing an executable file for controlling a local setup procedure (Column 5, lines 42-54), said executable file being associated with the description contained within a description file present on a shared resource (Figure 3, and associated text), and starting said executable file which permits the automatic launching of a local setup procedure in accordance with the contents of said description file (Column 5, lines 55-62). Sadowsky does not teach that the executable file is installed under the control of the NT Service Control Manager and that the executable file is received the format of a NT service.

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Bahr, however, does teach installing a process as an NT service, whereby the process performs updating in the local machine (Column 4, lines 36-49). Therefore the executable file takes the format of an NT service. Although Bahr does not teach that the service is installed under the control of the NT SCM, Bahr does teach that the service is installed as an NT service, and hence is obviously under the control of the NT SCM. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of installing an executable file for controlling a local setup said executable file being associated with the description contained within a description file present on a shared resource and starting said executable file which permits the automatic launching of a local setup procedure in accordance with the contents of said description file, and Bahr teaches the executable file is installed under the control of the NT Service Control Manager and that the executable file is received the format of a NT service, since this allows the service to be executed without user intervention and without interfering with other tasks on an NT operating system.

In regard to Claim 3, Sadowsky teaches an entry point to an executable file by a command line option which refers to the description file (Column 7, lines 12-15).

In regard to Claim 4, Sadowsky teaches that the description file contains a list of the installation files required for a local setup (Figure 3, items 303-0 to 303-N-1) and a command for executing the setup procedure of the software application (Figure 3, item 306). 1

In regard to Claim 7, the examiner takes official notice that using a Wake-on-LAN function in a PC is a well-known method of starting a client PC for the purposes of modifying client PC's in a corporate environment, since this allows client PC modification without user intervention.

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Claim 8 is a method Claim that contains limitations that have already been addressed in the rejection of Claim 1, and Claim 8 is rejected for the same reasons as Claim 1.

Claim 9 is a method Claim that contains limitations that have already been addressed in the rejection of Claim 2, and Claim 8 is rejected for the same reasons as Claim 2.

In regard to claim 10, Sadowsky teaches a server (Figure 2, item 106), with a software installation package comprising a set of installation files required for local setup procedure within the PC client (Figure 2, item 204, as associated text), and a description file which comprises a description of all installation files (Figure 3), including a command for controlling an unintended setup procedure (Figure 3, item 306), and an executable file which receives as an option to a command line a reference to the description file (Column 7, lines 12-15), the execution file causing the execution of the local setup procedure within the PC client (Column 5, lines 42-54). Sadowsky does not teach that the executable file is installed under the control of the NT Service Control Manager and that the executable file is received the format of a NT service. Bahr, however, does teach installing a process as an NT service, whereby the process performs updating in the local machine (Column 4, lines 36-49). Therefore the executable file takes the format of an NT service. Although Bahr does not teach that the service is installed under the control of the NT SCM, Bahr does teach that the service is installed as an NT service, and hence is obviously under the control of the NT SCM. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to build a server containing a software installation package comprising a set of installation files required for local setup procedure within the PC client and a description file which comprises a description of all installation files including a command for controlling an unintended setup procedure, and an executable file

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which receives as an option to a command line a reference to the description file, the execution file causing the execution of the local setup procedure within the PC client, as taught by Sadowsky, where the executable file is installed under the control of the NT Service Control Manager and that the executable file is received the format of a NT service, as taught by Bahr, since this allows the service to be executed without user intervention and without interfering with other tasks.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sadowsky (U.S. Patent Number 5,790,796) in view of Bahr (U.S. Patent Number 6,029,246) and further in view of Shrader et al. (U.S. Patent Number 5,793,982).

In regard to Claim 5, Sadowsky and Bahr teaches the method of Claim 1, but do not teach a GUI for providing the user a list of software applications which are currently available on the NT domain as well as a list of the computer clients therein included, for the purpose of launching an additional remote procedure in a new PC client. Shrader, however, does teach using drag and drop to match applications with clients for the purposes of launching a remote setup procedure of the application in the client (Figure 5, and Column 8, lines 34-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, as taught by Sadowsky and Bahr, where a GUI is provided to the user with a list of software applications which are currently available on the NT domain as well as a list of the computer clients therein included, for the purpose of launching an additional remote procedure in a new PC client, as taught by Shrader, since this allows for easy, visual administrative updating of client computers in a corporate environment.



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In regard to Claim 6, Sadowsky and Bahr teach the method of Claim 1, and Bahr further teaches requesting an id and password corresponding to a context where said executable is to be executed (Column 4, lines 39-41), in order to install an executable file as an NT service (Column 4, lines 36-49). The id and password will inherently be verified once the information is given. Neither Sadowsky nor Bahr teach prompting the user to enter a particular context where said executable file is to be executed. Shrader, however, does teach using drag and drop to specify where allocations are to be installed (Figure 5, Column 8, lines 34-47, and Column 9, lines 45-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, as taught by Sadowsky and Bahr, further requesting an id and password corresponding to a context where said executable is to be executed in order to install an executable file as an NT service, as taught by Bahr, inherently verifying said id and password, and prompting the user to enter a particular context where said executable file is to be executed, as taught by Shrader, since this allows easy specification of locations that need updates.

### *Conclusion*

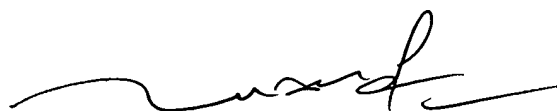
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG



**TUAN DAM  
SUPERVISORY PATENT EXAMINER**